

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

**CINCINNATI INSURANCE
COMPANY**

Plaintiff,

V.

**JOSEPH DONALD PRATHER and
LINDA PRATHER
Defendants.**

CV-3:06-CV-733-MHT

MOTION TO CONTINUE

COMES NOW, Plaintiff, Cincinnati Insurance Company, by and through undersigned counsel of record and respectfully requests this Honorable Court to continue the trial of the referenced matter as well as some deadlines which relate to the trial date. In support thereof, the undersigned would show unto this Honorable Court the following:

1. The trial of the referenced matter is currently set for January 7, 2008. While the parties filed a pleading with this Honorable Court on September 19, 2007, stating that the parties would discuss and schedule a mediation, the parties are not able to comply with the remainder of Section 3, Uniform Scheduling Order, due to the fact that the depositions in the underlying matter pending the Circuit Court of Chambers County, Alabama, have not been completed.

2. In order to be judicially efficient and in order to save the parties' costs, the parties agreed to apply discovery from the underlying Circuit Court matter to the Declaratory Judgment matter.

3. In addition, in the pleading filed with this Honorable Court on September 19, 2007, by Defendants' counsel, the parties agreed that the parties would mediate both matters together; that is the Federal Court matter and the underlying Circuit Court matter.

4. Counsel for Defendants, Timothy L. Dillard and Stephen D. Heninger, do not oppose this Motion to Continue both the trial date and the remaining deadlines that are affected by the trial date; such as, 1) the dispositive motion deadline; 2) the settlement conference deadline; 3) the discovery deadline; 3) and the date on which to conduct the Pre-Trial Conference which is set for November 19, 2007.

WHEREFORE, PREMISES CONSIDERED, the undersigned respectfully requests this Honorable Court to continue the following dates: 1) the trial date; 2) the dispositive motion deadline; 3) the settlement conference deadline; 4) the discovery deadline; 5) and the date on which to conduct the Pre-Trial Conference which is set for November 19, 2007.

RESPECTFULLY SUBMITTED,
/s/ Jennifer T. Dewees
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been electronically filed with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following on this the 15th day of October, 2007:

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Respectfully Submitted,

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